

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DANNY AMEN VALENTINE SHABAZZ,

Plaintiff,

v.

BRIAN MOYNIHAN BANK OF AMERICA,
GARY “GZA” GRICE,

Defendants.

Civil Action No. 23-07321 (SDW)(CLW)

WHEREAS OPINION

November 1, 2023

WIGENTON, District Judge.

THIS MATTER having come before this Court upon *pro se* Plaintiff Danny Amen Valentine Shabazz’s (“Plaintiff”) filing of a First Amended Complaint (D.E. 40 (“FAC”)) and an application to proceed *in forma pauperis*, (D.E. 41 (“Second IFP Application”)), and this Court having *sua sponte* reviewed the FAC for sufficiency pursuant to 28 U.S.C. § 1915(e)(2)(B) and Fed. R. Civ. P. 8(a); and

WHEREAS on September 26, 2023, this Court dismissed *sua sponte* Plaintiff’s Second IFP Application and FAC for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B) and lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). (D.E. 43); and

WHEREAS this Court afforded Plaintiff thirty (30) days to file an amended complaint and IFP. (Id.); and

WHEREAS Plaintiff failed to timely file an amended complaint and IFP within the time allowed; therefore,

Plaintiff's Second IFP Application is **DENIED WITH PREJUDICE** and Plaintiff's FAC is **DISMISSED WITH PREJUDICE**. This action is closed. An appropriate order follows.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
cc: Cathy L. Waldor, U.S.M.J.
Parties